

**H.R. \_\_, DEPARTMENT OF STATE OPERATIONS AND  
EMBASSY SECURITY AUTHORIZATION ACT FOR FY 2014  
SECTION-BY-SECTION SUMMARY**

**Section 1. Short title.** This section provides that the short title of this Act is the 'Department of State Operations and Embassy Security Authorization Act, Fiscal Year 2014.'

**Section 2. Table of contents.** This section provides a table of contents for this Act.

**Section 3. Appropriate congressional committees defined.** This section specifies that 'appropriate congressional committees' means the House Foreign Affairs Committee and the Senate Foreign Relations Committee, unless otherwise provided.

**TITLE I--AUTHORIZATION OF APPROPRIATIONS**

**Section 101. Administration of foreign affairs.** This section authorizes certain appropriations under the heading 'Administration of Foreign Affairs' for fiscal year 2014 ("FY14"). In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service, including: personnel costs; worldwide security protection; information technology systems; the construction, maintenance, and security of U.S. embassies and overseas facilities; educational and cultural exchange programs; conflict stabilization operations; representational allowances; protection of foreign missions and officials; emergencies in the diplomatic and consular service; repatriation loans; payment to the American Institute in Taiwan; and for the Office of the Inspector General.

Subsection (1) authorizes \$8.48 billion for Diplomatic and Consular Programs ("D&CP", the main State salaries and operations account). This includes authorization for \$2.18 billion to the Worldwide Security Program which supports training for security personnel, diplomats, and staff; improves security at facilities overseas; and, improved information security measures. Also included is authorization for \$26.8 million to the Bureau of Democracy, Human Rights, and Labor. Overall, this is a cut of nearly \$2.5 billion from the levels appropriated in FY12 and FY13.

Subsection (2) authorizes the Capital Investment Fund which supports information technology upgrades that protect against system degradation and failures.

Subsection (3) authorizes Educational and Cultural Exchange Programs which promotes U.S. interests abroad and provides foreign participants with unique American experiences.

Subsection (4) authorizes funding for Conflict Stabilization Operations to respond to rapidly changing environments that do not have significant bilateral foreign assistance appropriations.

Subsection (5) authorizes funding for Representation Allowances.

Subsection (6) authorizes funding for the protection of foreign missions and officials, providing security for diplomatic delegations and officials within New York City and elsewhere in the United States.

Subsection (7) authorizes funding for emergencies in the diplomatic and consular service. Funding supports the evacuation of personnel and their families overseas.

Subsection (8) authorizes funding for the repatriation loans program which provides emergency loans to assist destitute Americans abroad who have no other source of funds to return to the United States. Cases typically include Americans stranded abroad because of theft, illness, or in need of serious medical attention.

Subsection (9) authorizes funding for the American Institute in Taiwan at \$21.8 million plus \$15.3 million in transfer authority. This maintains the funding level appropriated in FY12 and permits the Department to transfer sufficient funding to compensate for the loss of visa fees.

Subsection (10) fully funds the Office of the Inspector General at \$119 million.

Subsection (11) authorizes \$5.5 million for the International Chancery Center to be established on the grounds of the Walter Reed Medical Center. Funding will support facility remodeling, repairs, and site security.

Subsection (12) authorizes \$2.65 billion for embassy security, construction, and maintenance. Included in this figure is \$1.383 billion in capital cost sharing (see Title IV) – funds used for the planning, design, and construction of new embassy compounds (like the new consulate in Erbil, Iraq) in countries where current facilities do not meet security needs. Also included in this funding is \$316 million for leasing embassy residence work space; \$130 million for maintenance of existing facilities; and, \$101 million for facility security upgrades like blast resistant doors/windows and retrofitting for protection against chemical-biological attacks.

**Section 102. Contributions to International Organizations.** Funding is authorized for U.S. assessed contributions to international organizations of which the United States is a member.

**Section 103. Contributions for International Peacekeeping Activities.** This section authorizes \$1.942 billion in FY14 to enable the United States to stand-up peacekeeping operations in Mali and advance our national security interests around the globe through assessed contributions.

**Section 104. International Commissions.** This section authorizes funding for several International Commissions including: 1) International Boundary and Water Commission, United States and Mexico; 2) International Boundary Commission, United States and Canada; 3) International Joint Commission; 4) International Fisheries Commissions; and, 5) Border Environment Cooperation Commission. Funding enables the U.S. to meet its obligations as a participant in these international commissions.

**Section 105. National Endowment for Democracy.** Funding is authorized for the National Endowment for Democracy (NED), \$117.8 million. The NED helps develop and fund key initiatives of non-governmental organizations that foster independent media, human rights, and other essential democratic institutions, values, and processes.

## **TITLE II--DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES**

### *Subtitle A--Basic Authorities and Activities*

**Section 201. Recouping Costs of International Dispute Arbitration.** This section corrects an oversight in the 2002 authorization to replenish the International Litigation Fund (which is used to defray the expenses of the United States in major international litigation before international tribunals, such as trade arbitrations), by allowing the Department to retain a small percentage of the awards received for international claims successfully *prosecuted* by the Department (rather than having to re-capitalize the ILF with U.S. taxpayer funds). This revision also allows the fund to be replenished from cases where the Department has successfully *defended* the U.S. and been awarded costs and attorneys' fees.

**Section 202. Foreign Service Act of 1980.** This section mandates that Foreign Service positions that have been vacant for more than one “bidding cycle” must be filled using a competitive process open to members of the Civil Service. Currently, close to 28% of all overseas posts are either unfilled or filled by underqualified Foreign Service Officers. This was identified by the Government Accountability Office (GAO) as a persistent problem; addressing this problem would negate the need to hire more Foreign Service Officers thereby creating significant cost savings. (GAO-12-721)

**Section 203. Center for Strategic Counterterrorism Communications of the Department of State.** This section provides express Congressional authorization for the Center for Strategic Counterterrorism Communications (hereinafter “CSCC”). This interagency initiative and its operations were institutionalized within the Executive branch by Executive Order 13584. The CSCC works to coordinate public communications activities directed at audiences abroad and targeted against violent extremists and terrorist organizations, and is advised by a Steering Committee of senior representatives from relevant U.S. agencies.

**Section 204. Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (RECAAP).** This section allows the United States to accede to membership in the Information Sharing Centre and thereby improve the ability of the United States to share and receive information related to combating piracy and armed robbery against ships in the Singapore region. Accession to the ReCAAP would also allow the United States to be represented on the Governing Council of the Centre and to participate in various capacity building events hosted by the Centre. Formal membership in ReCAAP and the Centre also aligns with the U.S. government’s goal of strengthening regional organizations, signals our

commitment to long-term cooperation in this organization, and strengthens our efforts to counter piracy and robbery at sea.

*Subtitle B--Consular Services and Related Matters*

**Section 211. Extension of authority to assess passport surcharge.** The Passport Services Enhancement Act of 2005 (P.L. 109-167) amended the Passport Act to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) (IRTPA). This section would temporarily extend that authority through 2015.

**Section 212. Border crossing card fee for minors.** This section would change the charge for a machine-readable U.S. border crossing ID card for Mexican children (under the age of 15) from the current flat fee of \$13 (set in the FY 1999 State appropriations bill, back when normal machine-readable visa (MRV) fees were only \$20) to a fee equal to half of the fee that would otherwise apply today (normal MRV fees are now around \$140, due to increased border security, fraud prevention, information systems, and consular staffing implemented over the past decade). This would allow the Department to recoup from those foreign applicants a greater proportion of the actual costs incurred in providing that service.

*Subtitle C—Reporting Requirements*

**Section 221. Reporting reform.** Over past decades, numerous statutes have created specific State Department reporting requirements in perpetuity, by failing to include a sunset date, leading to the accretion of costly reporting requirements that, over time, have become duplicative (of other required reporting or readily available information sources), irrelevant (due to changed circumstances), and unused by Congress. This bill proposes to repeal nine reports and reviving one that previously lapsed.

### **TITLE III--ORGANIZATION AND PERSONNEL AUTHORITIES**

**Section 301. Suspension of Foreign Service members without pay.** This section grants the Secretary the discretion to suspend without pay a Foreign Service Officer credibly accused of a crime. This would prevent the Department from being forced to pay an employee who, for example, has been indicted and is being incarcerated pending trial. At present, no administrative action can be taken before such an employee has been convicted.

**Section 302. Repeal of recertification requirement for Senior Foreign Service.** This section would repeal section 305(d) of the Foreign Service Act, which had required the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) equivalent to the recertification process for the Senior Executive Service (SES). The Homeland Security Act of 2002 repealed recertification requirements for SES employees based on the

assessment that those requirements did not serve a useful purpose (while imposing additional bureaucratic costs).

**Section 303. Limited appointments in the Foreign Service.** This section amends section 309 of the Foreign Service Act of 1980 to provide new authority to extend 'limited appointments' in the Foreign Service. Section 309 currently provides that limited (non-career) appointments may not exceed 5 years in duration and may not be extended or renewed except under limited exceptions.

**Section 304. Limitation of compensatory time off for travel.** This section adds a new subsection (c) to 5 U.S.C. 5550b limiting the accrual of compensatory time off for travel status away from the employee's official duty station to a maximum of 104 hours (13 days). This 104-hour limitation is equivalent to standard yearly sick leave in the civil service; currently employees are able to accrue weeks or months of paid time off in addition to sick and annual leave.

**Section 305. Department of State organization.** This section grants the Secretary discretion, after consultation with the Committee, to transfer authorities and duties statutorily assigned to the Coordinators for Counterterrorism, International Energy Affairs, and Reconstruction and Stabilization to the new bureaus covering those subjects that were established late last year. The intent is to help eliminate duplication and increase structural efficiency.

**Section 306. Overseas comparability pay limitation.** This section limits the amount of locality pay that Foreign Service Officers are able to receive while stationed overseas, capping pay at the two-thirds level they currently receive. This legislation will save approximately \$80 million annually from the Administration's request to fully fund the locality pay increase.

## **TITLE IV--EMBASSY SECURITY AND PERSONNEL PROTECTION**

### *Subtitle A—Review and Planning Requirements*

**Section 411. Designation of High Risk, High Threat posts and working groups.** Requires the State Department to designate a list of high risk, high threat posts. It also mandates the formation of Department-wide working groups to ensure new high risk, high threat posts have the necessary security measures and funding. (Accountability Review Board "ARB" Recommendation 6)

**Section 412. Contingency plans for High Risk, High Threat posts.** State and Defense Departments are directed to jointly develop enhanced contingency plans for emergency situations, including the rapid deployment of military resources. (ARB 1)

**Section 413. Strategic review of Bureau of Diplomatic Security.** The Secretary of State shall complete a strategic review of the Bureau of Diplomatic Security to ensure that the mission and

activities of the Bureau are fulfilling current and projected needs. (Government Accountability Office Report 10-156)

*Subtitle B—Physical Security and Personnel Requirements*

**Section 421. Capital Security Cost Sharing Program.** The Capital Security Cost Sharing Program is an interagency fund contributed to by government agencies that rely on the Department of State facilities for functions abroad. Funds are used to build more secure facilities, especially in high risk and high threat areas. The Department's contribution to the fund is \$1.383 billion and is accounted for as part of the previously authorized \$2.65 billion in Embassy Security, Construction, and Maintenance (see Sec. 101, subsection 12). Includes a Sense of Congress that the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities at high risk, high threat posts. (ARB 10)

**Section 422. Local guard contracts abroad under diplomatic security program.** Authorizes the State Department to award contracts on the basis of "best value" rather than lowest price in High Risk, High Threat areas when deemed necessary. Thus, the State Department can consider factors beyond price in making the award, such as technical approach and past performance, when the perceived benefit merits the additional cost. This will come at no additional cost to the taxpayer and was specifically requested by the Secretary in testimony to the House Foreign Affairs Committee. It is also responsive to the criticism that local guards in Benghazi were ineffective in response to the attack.

**Section 423. Transfer authority.** After notifying Congress, the State Department is authorized to transfer administrative funds to improve physical embassy security.

**Section 424. Physical security of certain soft targets.** Improves physical security at educational facilities for children of U.S. citizens stationed outside the U.S. who are engaged in carrying out government activities.

**Section 425. Reemployment of annuitants.** Allows the Secretary to reemploy Foreign Service annuitants in emergency situations or when there is difficulty recruiting or retraining qualified personnel; competitive hiring is mandated before reemployment can be considered.

**Section 426. Sense of Congress on minimum security standards for temporary United States diplomatic and consular posts.** Sense of Congress that minimum security standards for temporary facilities be applied to all facilities regardless of their duration of their occupancy. (ARB 5)

**Section 427. Assignment of personnel at High Risk, High Threat posts.** The State Department shall make every effort to reduce the turnover of key personnel, including security providers, at high risk-high threat posts. The intent is to ensure continuity and situational awareness at

dangerous posts. The Department is required to brief Congress quarterly on efforts made to ensure continuity. (ARB 13)

*Subtitle C—Security Training*

**Section 431. Security training for personnel assigned to High Risk, High Threat posts.**

Mandates that personnel serving in high risk, high threat posts receive security training, such as surveillance detection. The section also requires that senior and mid-level officials serving in high threat posts take security management training courses. Additionally, diplomatic security personnel should develop the necessary language skills before serving at high risk, high threat posts. (ARB 15, 17)

**Section 432. Report to Congress.** Requires a report to Congress on implementation of the title not later than 18 months after the date of enactment.

*Subtitle D—Expansion of the Marine Corps Security Guard Detachment Program*

**Section 441. Marine Corps Security Guard Program.** The Department is required to have a plan for the deployment and utilization of Marine Security Guard (MSG) detachments. That plan will be briefed to Congress to update on implementation. The funding authorized in this bill will support 26 new MSG posts and covers salaries and associated costs for 156 new MSG personnel.